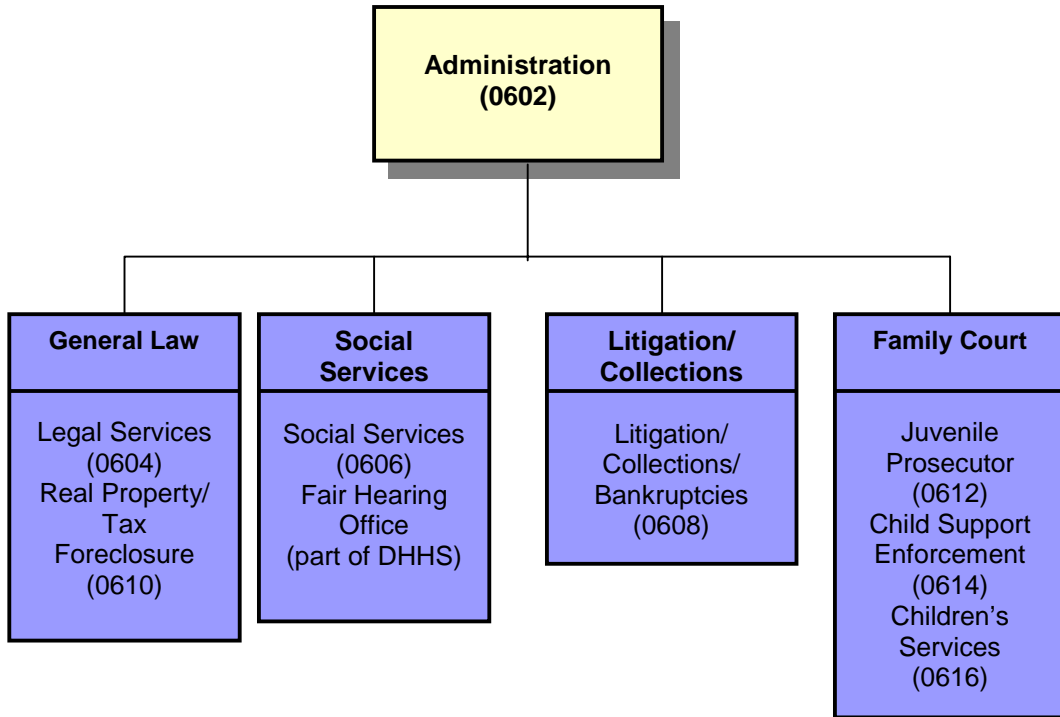


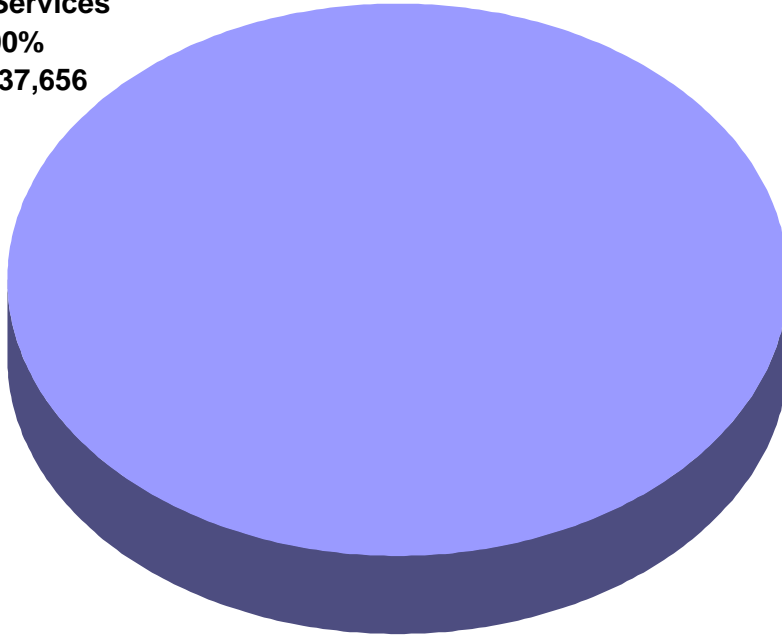
LAW (006)



LAW

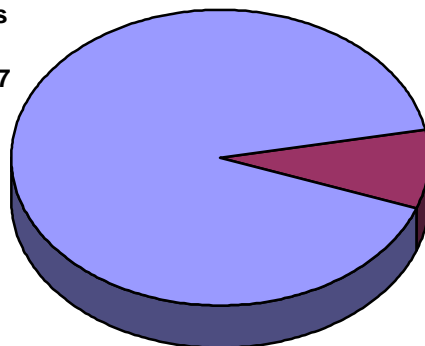
2004 Budget - \$10,237,656

Legal Services
100%
\$10,237,656



Net County Support

Attributable
Revenues
91.5%
\$9,370,237



Net County
Support
8.5%
\$867,419

DEPARTMENT: Law (006)

DEPARTMENT DESCRIPTION

The Monroe County Law Department provides to county departments and residents high quality legal representation and counsel that are of value to the community at large. These services meet client and public needs, are delivered expeditiously and inspire client and public confidence.

STRATEGIC FRAMEWORK

Mission

The Law Department shall deliver responsive, efficient, effective legal representation and counsel to county departments and residents, in order to assist in providing the highest return to the community on their investment. The Law Department provides quality legal services to enable Monroe County government to assure a safe, healthy, prosperous and stimulating environment which results in a world class place to live, work and enjoy life.

Key Result Areas

Client Satisfaction: Our clients are satisfied with Law Department services, initiatives and activities.

Productive Workforce: We support a diverse workforce that efficiently meets or exceeds clients' expectations.

Quality Services: We provide quality legal services designed to prevent legal problems; provide clear, concise and effective advice to clients; prosecute legal matters in an efficient and expeditious manner; and provide timely communication with clients.

Fiscal Responsibility: The Law Department continuously achieves sound financial outcomes in the stewardship of public funds through efficient use of its resources.

Key Result Measures

Client Satisfaction: Client opinion regarding quality, client initiated complaints and comments, response time to client inquiries, and communications with clients.

Productive Workforce: Employee turnover, absenteeism, job performance objectives, job audits, employee complaints, personnel cost per unit of service, continuing education and training, and decision-making authority.

Quality Services: Measure cases with a favorable result and compare with statistics over time, measure time necessary to complete assigned matters, measure cases which are diverted from court action by early intervention or advice from Law Department, perform independent review and audit of cases, tabulate and measure client concerns through telephone calls and review of complaints, and measure procedures to provide more efficient services.

Fiscal Responsibility: Enhance revenues collected, and calculate unit cost to render services.

2003 Major Accomplishments

General Legal Services

- The County's urgency this year to find additional cost savings has imposed an exceptional challenge on General Legal Services (GLS) in terms of workload and creativity in research, analysis, review, structuring, negotiating and drafting for a number of fast-track transactions, complicated by the merger and reorganization of five departments into the new department of Human and Health Services, and taking on a number of major litigation matters.

- Provided the analysis, critique and counterproposal to Xpand's proposal and structure for the terms of the contract for the servicing of the County's delinquent tax lien inventory which remains as uncollectible after tax foreclosure and for the marketing of REO properties to maximize County tax collections, and to put delinquent Brownfields and county owned properties acquired through tax foreclosure back into production and on the tax rolls
- Successfully negotiated a settlement with DEC's Clean-up Fund and the buyer so that the county could sell this abandoned gas station and collect all of the delinquent town and school taxes guaranteed and paid by the county. DEC agreed to cancel its lien in exchange for a pro rata split of the purchase proceeds between their costs and the county's out-of-pocket tax payments. The Fund's counsel is anticipating that DEC will present our settlement statewide as a model for getting other contaminated delinquent tax parcels cleaned up and back on the tax rolls while getting their Fund replenished
- Drafted Charter amendment to provide that the County Executive has authority to hire/terminate Deputy Directors of departments
- Completed the acquisition by condemnation of 1345 Scottsville Road (Evergreen Acres Mobile Home Park) and the relocation of 78 families
- Created the novel legal structure, and drafted documents designed to sell and lease the Civic Center Garage for \$6.8M without incurring the engineering, survey and legal expense of converting the garage and the Civic Center Complex into a condominium
- Provided advice and counsel to the County Executive's Office and county departments concerning 2003 contract reductions and other budget issues. Prepared new contract language for departmental contracts which allow the county to terminate the contract more quickly and/or reduce funding for the contracts
- Worked with DSS counsel and provided advice and counsel to the County Executive's Office and county departments concerning "Project Transform," the consolidation of five county departments into the Department of Human and Health Services
- Led Monroe Community Hospital through completion of its HIPAA privacy plan and development of its policies and procedures; will lead the county through completion of preparation for complying with the HIPAA Security and Transaction and Code Set Regulations
- Developed procedures which have significantly reduced the time required of the departments responsible for reviewing and revising Legislature referrals
- Continued the shift from hard copy to electronic legal research, resulting in significant savings in attorney time and cost of library materials
- Initiated and participated in contract review and negotiations with the University of Rochester regarding insurance, indemnification and other contract provisions, resulting in general agreements for standard contract language to be used in all health-related contracts between the county and university. This has resulted in the savings of internal time spent on contract-by-contract negotiations with this vendor, and has also resulted in more consistency within the county on contract issues with this vendor
- Identified error in RG&E billing for electricity used at Lola Powerhouse over a two-year period and pursued with RG&E, resulting in a \$55,762.55 refund from RG&E
- Prepared intermunicipal agreements and supporting documents for triennial requalification of county to receive HUD, CDBG and HOME Program funds. Received comment from HUD that the county's agreements were some of the best it had seen. Revised and standardized 8 template agreements for use by Planning and Development for HUD Community Development Block Grants
- GLS obtained a declaratory judgement against the City of Rochester and its Preservation Board and Planning Commission, and an injunction barring the city from enforcing the landmark designation until 2060
- GLS counsel obtained a decision that the county complied with SEQR, and a dismissal of the petition of Landmark Society of Webster, NY et al. vs. Monroe County in its entirety

- After several years of negotiations by GLS, and getting the Voluntary Consent Agreement executed, the \$3M remediation of the Brewer Street site finally commenced in June of 2003

Social Services

- Developed a HIPPA policy to integrate into the unit's confidentiality policy manual
- Assessed and harmonized HIPPA requirements with resource recovery policy manual
- Increased intermunicipal liaisons in areas of resource recovery, adult protective services, and Medicaid
- Acquired desktop access to WMS database for all members of unit

Litigations/Collections

- Successfully defended appeal to U.S Second Circuit Court of Appeals of summary judgement dismissal of "Glover" age and gender discrimination lawsuit
- Obtained summary judgment dismissing the action in "Romero" lawsuit. The case involved an automobile that accidentally left a county roadway, drove over a culvert ditch and struck a large boulder. A front seat passenger was ejected from the car and sustained serious permanent injuries and disfiguring scars. The summary judgment motion involved defending the county's design and maintenance of the highway and rebutting plaintiff's expert opinion regarding the county's fault
- Successfully obtained dismissal of an Article 78 proceeding and second lawsuit brought by a county employee. Cases uphold county's residency requirement and County Executive's authority to deny waiver of the requirement
- Obtained summary judgment dismissing "Smelts" action against Sheriff and county on the grounds that: 1) the county is not liable for the acts of a deputy Sheriff, and 2) Sheriff is not vicariously liable for the acts of his deputies under any circumstances. Decision subsequently upheld on appeal
- Defended "Danielle G." Article 78 challenge of fair hearing decision denying request to expunge indicated report of child neglect. Decision upheld at the New York State Supreme Court, Appellate Division, Fourth Department
- The "Spalla" case was dismissed on a summary judgment motion against the county as defendants. An appeal was successfully defended and the case is over for the county. This case involved catastrophic personal injuries to a motorist in the course of a high speed police chase
- The Litigation Division participated as representative defense counsel to category of county defendants as counsel to Monroe County in a statewide constitutional challenge to the methodology of fixing real property taxes for railroad properties. The county's right to recover attorneys fees in excess of \$60,000 was established
- Obtained summary judgment in "Hartsfield" case involving a two vehicle accident at an intersection where the traffic light was out. County defended lack of notice of the condition in time to repair it before accident. Lawsuit involved back injuries and disability
- Division worked with Park Director to complete horse trail study regarding conditions of trails in county parks
- Division worked with Sheriff's office to update inmate search policy to conform to current case law
- Division worked with Department of Transportation to develop pavement drop-off standards

Juvenile Prosecutor's Office

- Collections Unit recovered total revenues for Monroe County of approximately \$2M
- Developed practice strategies to cope with the practice requirements of the newly established Dedicated Juvenile Delinquency Part in Family Court

- Assisted Domestic Violence Court to improve the overall efficiency of the court, through adherence to the law, the design and use of new order forms that use clear and concise language, which in turn facilitated the expeditious disposition of cases before the court
- Identified problems associated with the prosecution of sixteen and seventeen year-olds under the amended person in need of supervision (PINS) legislation, and developed strategies to resolve the problems
- Developed standards and guidelines for referring cases to the newly established Family Court mediation program

Child Support Enforcement Unit

- Identified, investigated and referred 105 cases for criminal prosecution, which have thus far resulted in 24 arrests by the District Attorney's office
- Exceeded the performance measure set by New York State for the percentage of cases with support order, the State goal is 80%; Monroe County is currently at 83%
- Year-to-date collections for 2003 are exceeding collections for 2002 by 4.16%
- Identified the appropriate recipients of more than \$160,000 in undistributed support, and disbursed it to children and families in the community
- Participated in pilot project for New York State involving the direct deposit of support payments into custodial parents' bank accounts. The electronic wiring of money rather than mailing paper checks is projected to save approximately fifty cents (\$.50) per transaction
- Devised and implemented the electronic storage and access of reports, making the data contained therein more meaningful and useful to the workers who need to act upon it
- Created an Accounting Unit by merging the Payment Processing and Bookkeeping Units, which has increased efficiency, eliminated duplication and reduced processing time

Children's Services

- Implemented full utilization of Office of Court Administration forms and worked collaboratively with Family Court to assure compliance with Adoption and Safe Families Act mandates to protect federal reimbursement
- Developed improved procedures for prosecuting and defending appeals and related appellate practice to allow for increased appellate activity
- Adapted to provide coverage for a dramatic increase in state mandated Fair Hearings brought to contest indicated child protective reports, which resulted from state efforts to reduce a significant statewide backlog of such cases
- Developed procedures to cover increased workload created by statutory amendments which increased court appearances in foster care proceedings involving children freed for adoption and similar changes in proceedings involving children voluntarily surrendered for adoption

2004 Major Objectives

General Legal Services

- Each General Legal Service (GLS) attorney will continue to cross-train the other GLS attorneys in at least one of his/her major areas of practice, and update the GLS cross-training manual in that area
- Each GLS attorney will continue to further develop standard contracts and conduct periodic contract workshops to train department contract administrators on use
- Reduce the effects of county-wide staff reductions by continuing to assist client departments in developing an insurance monitoring process, providing model RFP's for client departments; encouraging departments to consult with GLS at an early stage in its RFP process, and providing departments with timely review of any RFP drafts

- Improve interdepartmental coordination at each stage of the legislative process beginning at the referral phase, by encouraging departments to involve GLS at the early stages of referral drafting; at the resolution/local law phase by developing a system to monitor committee actions and amendments to referrals, and to ensure that resolutions submitted to the Legislature conform to final committee action; and at the post resolution/local law phase by developing a follow-up process to ensure necessary actions are taken to complete enactment of a resolution/local law
- Continue the effectiveness of GLS improvement processes by developing a work plan with monthly review of goal progress and assigned tasks
- Improve the efficiency of the retrieval of legal files by finalizing standards for naming and cross-referencing files and developing a “purge policy” for the GLS filing system

Social Services

- Complete the Social Service Unit manual
- Develop a schedule of formal quarterly meetings with the DHHS administration
- Develop a policy and protocol for reviewing accountings of supplemental needs trusts
- Develop a formal working relationship with Staff Development at DHHS
- Develop a schedule of meetings with the Fair Hearing Office and Staff Development, along with county attorney to better coordinate the relaying and implementing of advice and policy for the new administration

Litigations/Collections

- Pursue dismissal of lawsuits by motions for summary judgment and motions to dismiss
- Collections Unit to explore new areas for revenue recovery
- Create directory of litigation forms organized by practice area
- Develop streamlined process for handling routine property claims
- Develop registers of rejected claims and miscellaneous legal matters handled in litigation division

Juvenile Prosecutor's Office

- Devise and implement a case management strategy that helps us gain control, and stay on top, of an increasing caseload
- Re-evaluate and adapt case handling strategy in Dedicated Juvenile Delinquency Court to meet the style and demands of a new Judge
- Encourage ongoing flow of constructive dialogue and sharing of ideas among staff, through frequent staff meetings and brainstorming sessions
- Confront the challenge of doing business with reduced staff with minimal disruption in the discharge of work assignments and job responsibilities

Child Support Enforcement Unit

- Continue to improve its performance as measured by the NYS Office of Child Support Enforcement
- Develop an electronic appointment system
- Assimilate the new medical support regulations
- Reduce Intake and Foster Care backlogs

Children's Services

- To work with Family Court and Child Protective Services to raise compliance with the Adoption and Safe Families Act to a level that will assure that any Monroe County cases that might be included in the 2004 Federal Title IV-E Foster Care and Adoption Assistance Audit will meet the audit standards
- Develop enhanced case management data processing capabilities in conjunction with anticipated state provided computer system enhancements at Child Protective Services
- Develop procedures and criteria in conjunction with Child Protective Services to decrease the backlog in Fair Hearing cases involving indicated child protective report records by screening out cases that should not require the scheduling of a hearing

BUDGET SUMMARY

	Amended Budget 2003	Budget 2004
<u>Appropriations</u>		
Personal Services	6,723,014	6,460,585
Expenses	563,394	508,568
Supplies and Materials	48,750	39,250
Employee Benefits	2,144,659	2,193,443
Interfund Transfers	1,017,460	1,035,810
Total	10,497,277	10,237,656
<u>Revenue</u>		
Charges to Social Services	2,000,549	2,259,087
Charges to Insurance	538,000	538,000
Charges to Other Departments	782,199	887,832
City - Law Enforcement Block Grant	60,000	60,000
Hotel Room Occupancy Tax	13,483	13,688
Transfer from Capital Fund	117,000	117,000
Federal Aid	4,487,510	4,452,841
State Aid	979,798	971,789
Charges to Airport Authority	70,000	70,000
Total	9,048,539	9,370,237
<u>Net County Support</u>	1,448,738	867,419

BUDGET HIGHLIGHTS

*Decreases in **Personal Services**, **Expenses** and **Supplies and Materials** are consistent with the County's cost reduction strategies. **Employee Benefits** increases due to higher cost of retirement plan.*

*Revenue increases in **Federal Aid**, **State Aid**, **Charges to Social Services** and **Charges to Other Departments**, result in a decrease in net county support for 2004.*

The 2004 Adopted Budget reflects amendments made by the County Legislature. These changes are described in the Legislative Action section of the Budget document.

DIVISION DESCRIPTIONS

Administration (0602)

The County Attorney directs the activities of all units of the Law Department, develops policies and procedures and supervises the staff. Administrative support staff perform personnel/payroll, budgetary and office management functions.

General Law - Legal Services (0604)

The goal of this division is to provide legal advice and analysis and litigation support to the County Executive; all county departments and offices; the County Legislature and all bodies created or authorized by the County Legislature; all county officers and employees on county related matters in order to support county operations. This division also renders legal opinions; drafts state and local legislation; reviews legislative communications; drafts and reviews contracts, specifications and other legal documents; and is responsible for special legal projects. Outcome measures include the percentage of activities achieving service quality standards.

General Law - Social Services (0606)

The goals of this division are: 1) to provide professional legal representation to Social Services in order to advocate within the confines of the law, for results that maximize the delivery of their services, i.e. public assistance, Medicaid, conservatorships; at the lowest cost; and 2) to maximize the collection of monies owed Social Services at the lowest cost. Outcome measures include the decrease in the percentage of lawsuits brought against Social Services that result from allegations that Social Services violated the law.

Litigation/Insurance/Collections (0608)

The goal of this division is to provide litigation, collection and insurance services to the County of Monroe and all its officers and employees in litigation matters, in order to maximize recoveries and minimize payments. This division also represents the county in human rights cases and administrative hearings. The division is also responsible for administering the county's self-insurance program and procures insurance coverage in those areas for which the county is not self-insured. Outcome measures include the percentage of cases concluded within reserved values.

Real Property Transactions/Tax Foreclosure (0610)

This unit is responsible for all real property transactions involving the county. These transactions include acquisition of real property, sale of real property, easements, negotiation and drafting of leases involving the county and condemnation actions for the acquisition by the county of interests in real property. This division also conducts all tax foreclosure actions. Outcome measures are included above.

Family Court - Juvenile Prosecutor's Office (0612)

The goal of this division is to hold juveniles, who are delinquent, or in need of supervision, accountable for their actions through prosecution and treatment, and ultimately protecting public safety. This unit prosecutes offenses committed by juveniles; presents petitions in Persons in Need of Supervision (PINS) cases where requested by the court; assists the court in presenting evidence in violation of probation proceedings involving juveniles and in dispositional hearings. Outcome measures include the percentage of petitions filed that result in successful prosecution.

Family Court - Child Support Enforcement Unit (0614)

The goals of this division are; 1) to collect legally appropriate support obligations in order maximize the dollars available to children and Social Services; and 2) to establish paternity for out-of-wedlock children in order to provide financial support for children. This unit represents Social Services or custodial parents, by statute and contract, on support petitions, reciprocal support petitions and paternity petitions to enforce the collection of child support payments. Outcome measures include the percentage of cases resulting in support collections and the percentage of cases for which paternity is established.

Family Court - Children's Services (0616)

The goal of this division is to provide legal services to Social Services on all child welfare matters to protect the children of Monroe County. This division provides legal support in matters before the Family Court seeking relief on behalf of children who have been the victims of abuse or neglect. They also review the status of children voluntarily placed in foster care and termination of parental rights through guardianship actions or surrenders; appear in juvenile delinquency and Persons in Need of Supervision (PINS) proceedings affecting Social Services; advise Social Services staff in non-support matters affecting children; represent Social Services in administrative fair hearings regarding child protective, foster care and day care issues; and prosecutes and defends appeals. Outcome measures include the percentage of successful representations and percentage of cases maintaining federal funding.

Performance Measures

	Actual 2002	Est. 2003	Est. 2004
General Legal Services			
Contracts Prepared/Reviewed	841	850	850
Change Orders Prepared/Reviewed	246	250	250
Bid Specifications Reviewed	123	130	130
Freedom of Information Requests Reviewed	273	250	250
SEQR Reviews	95	100	100
Sole Source Designations	35	50	50
Home Improvement Loans	38	50	50
Real Estate Files	83	90	100
General Social Services			
Contracts Reviewed	243	450	450
Mortgages Completed	101	90	100
Resource Recovery Files	205	180	200
Adult Protective Referrals	75	75	75
Confidentiality/Subpoena Referrals	153	150	150
Eligibility Files	21	34	40
Spousal Support Files Opened	38	52	60
Right of Elections	7	28	30
Miscellaneous (Litigation, Housing, etc.)	77	52	60
Estate Files Opened	2,020	1,800	2,000
Litigation/Collections			
New Matters Processed:			
Collection	192	200	200
Bankruptcy	217	225	225
Amount Collected:			
Bankruptcy	\$631,578	\$630,000	\$630,000
Insurance	\$87,530	\$88,000	\$88,000
Other	\$1,048,648	\$1,050,000	\$1,050,000
Number of Judgements Entered In Uncollected Cases over \$2,000	42	50	50
Number of Claims Concluded	110	110	110
Insurance Advise Rendered	132	150	150
Number of Cases Resolved by:			
Denied	90	100	100
Dismissed by Court Order	20	20	20
Resolved by 3 rd Party Insurer	9	10	10
Resolved by Settlement	54	60	60
Cases Closed (s/l expired / not sued)	37	40	40
Other	17	20	20

	Actual 2002	Est. 2003	Est. 2004
Juvenile Prosecutor's Office			
Number of Cases Referred	854	875	875
Number of Cases Settled before Trial	759	775	775
Number of Cases Tried	2	5	5
Number of Dispositional Hearings	49	50	50
Number of PINS Cases Referred	47	50	50
Number of PINS Findings Obtained	37	50	50
Number of Dispositional Hearings	22	30	30
Percent of Favorable Dispositions	100%	100%	100%
Number of Cases Prepared for Appeal	12	10	10
Number of Appeals Argued	4	4	4
Number of Appeals Resulting in Favorable Outcome	3	4	4
Number of Drug Court Cases Handled (Appearances)	914	950	950
Number of Domestic Violence Court Appearances	37	50	50
Child Support Cases			
Social Services Collections (Family Assistance Cost Recovery)	\$8.6M	\$8.5M	\$8.4M
Private Collections	\$49M	\$51M	\$53M
Paternities Established	87%	88%	89%
Support Obligations Established	77%	83%	87%
Walk-In Clients/Respondents	12,831	13,200	13,500
Collections for Other States	\$2.5 M	\$2.6M	2.7M
Total Caseload	47,686	48,000	48,000
Children's Services			
Documents Prepared and Filed	3,043	3,500	3,600
Number of Appeals Records Prepared	4	5	5
Number of Appeals Briefs Filed	7	8	8
Number of Fair Hearings	72	140	250
Fair Hearings Affirmed	70	135	240
Number of Surrenders Prepared	109	110	110
Number of Surrenders Taken	97	100	100
Number of Subpoena Responses	75	100	100

STAFF

<u>Total</u>	<u>Title</u> Full Time	<u>Group</u>
1	County Attorney	27
1	First Deputy County Attorney	25
1	Special Counsel	25
1	Child Support Enforcement Manager	22
5	Senior Deputy County Attorney	22
5	Deputy County Attorney I	21
15	Deputy County Attorney II	19
1	Assistant Child Support Enforcement Manager	18
5	Deputy County Attorney III	17
1	Senior Staff Assistant	17
1	Program Coordinator - CSEU	16
1	Child Support Court Liaison	14
1	Confidential Assistant to County Attorney	14
1	Assistant Secretary to County Executive	13
1	Senior Accountant	13
1	Senior Paralegal	13
1	Senior Real Estate Paralegal	13
2	Senior Trial Assistant	13
5	Child Support Enforcement Supervisor	55
3	Senior Legal Assistant	55
1	Administrative Assistant	12
1	Executive Secretary to County Attorney	12
2	Resource Recovery Technician	12
1	Principal Control Clerk	11
6	Child Support Investigator	53
2	Legal Assistant - CSEA	10
2	Legal Secretary I	10
1	Paralegal	10
1	Secretary to Special Counsel	10
3	Trial Assistant	10
3	Legal Assistant	52
24	Child Support Examiner	51
3	Child Support Examiner - Bilingual	51
1	Child Support Technician	9
3	Senior Control Clerk	9
1	Senior Process Server	9
11	Legal Secretary II	8
1	Legal Stenographer	8
5	Clerk 2	7
2	Clerk II with Typing	7
3	Control Clerk	7
1	Process Server	7
2	Senior Account Clerk	7
1	Legal Secretary III	6
1	Account Clerk	5

<u>Total</u>	<u>Title</u>	<u>Group</u>
3	Clerk 3	5
6	Clerk 3 with Typing	5
1	Data Entry Operator	5
1	Driver Messenger	5
1	Input Clerk	5
2	Receptionist - Bilingual	5
1	Receptionist - Typist	5
1	Laborer Light	3
<u>1</u>	Clerk Typist	2
152	Total Full Time	
	Part Time	
<u>1</u>	Clerk Typist	2
<u>1</u>	Total Part Time	
153	Total 2004	